

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILYA FELIKSOVICH IOSILEVICH,

Plaintiff,

22-CV-4757 (VB)

NOTICE OF MOTION

-against-

WALMART, INC., et al.,

Defendants.

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PLEASE TAKE NOTICE that defendants Kevin Bruen and John T. Reicherter (“State Defendants”), by their attorney, LETITIA JAMES, Attorney General of the State of New York, upon the annexed Memorandum of Law, will move this Court before the Honorable Vincent L. Briccetti, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, 10601, at a date and time to be determined by the Court, for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint on the grounds that: (i) Plaintiff’s claims should be dismissed pursuant to Rule 4(m) for failure to timely serve Defendant Reicherter; (ii) Plaintiff fails to properly allege false arrest as Defendant Reicherter had probable cause; (iii) Plaintiff fails to state a claim for malicious prosecution; (iv) Defendant Reicherter is entitled to qualified immunity; (v) Plaintiff fails to state a claim for intentional or negligent infliction of emotional distress; (vi) Plaintiff lacks standing to assert damages allegedly suffered by his wife; (vii) Plaintiff is not entitled to injunctive relief; (viii) Plaintiff fails to plead facts indicating the personal involvement of Defendant Bruen; and (ix) the Eleventh Amendment bars official capacity damages claims.

Dated: New York, New York
March 27, 2023

Respectfully submitted,

LETITIA JAMES
Attorney General of the
State of New York
Attorneys for State Defendants
By:

/s/ Andrew Blancato
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